

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN THE MATTER OF:

GLORIA THOMPSON,

DEBTOR.

CHAPTER 13

CASE NO. 04-69600-MBM

JUDGE MARCI B. MCIVOR

**TRUSTEE'S MOTION TO DISMISS
DUE TO EXPIRATION OF THE CHAPTER 13 PLAN**

The Chapter 13 Standing Trustee files this Motion under E.D. Mich. LBR 9014-1 and states:

1. The confirmed Plan has expired on March 3, 2010, without fulfilling all of its terms and conditions, which constitutes "cause" to dismiss pursuant to 11 U.S.C. 1307(c).

2. There has been a material default with respect to a term of the confirmed Plan under 11 U.S.C. 1307(c)(6) as all secured creditors have not received repayment as required by the confirmed Plan.

3. There has been a material default with respect to a term of the confirmed Plan under 11 U.S.C. 1307(c)(6) as all unsecured creditors have not received repayment as required by the confirmed Plan.

4. There has been a material default with respect to a term of the confirmed Plan under 11 U.S.C. 1307(c)(6) as all Priority Claims have not received repayment as required by the confirmed Plan.

5. There has been a material default with respect to a term of the confirmed Plan under 11 U.S.C. 1307(c)(6) as debtor has/have failed to serve on the Chapter 13 Trustee all required Federal Income Tax Returns including but not limited to the Federal Income Tax Returns for the years 2004, 2005, 2006, 2007 and 2008.

6. There has been a material default with respect to a term of the confirmed Plan under 11 U.S.C. 1307(c)(6) as debtor has/have failed to remit to the Chapter 13 Trustee all Federal Income Tax Refunds to which the debtor was/were entitled or received during the pendency of this case including, but not limited to, the Federal Income Tax refunds for the years 2004, 2005, 2006, 2007 and 2008 for distribution to creditors.

WHEREFORE, your Trustee prays this Court enter its Order dismissing this case and granting such other relief as is just.

Dated: April 9, 2010

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE-DETROIT

David Wm. Ruskin, Chapter 13 Standing Trustee

/s/ Thomas D. DeCarlo

DAVID WM. RUSKIN (P26803)

LISA K. MULLEN (P55478)

THOMAS D. DECARLO (P65330)

1100 Travelers Tower

26555 Evergreen Road

Southfield, MI 48076-4251

Telephone (248) 352-7755

**UNITED STATES BANKRUPTCY COURT
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IN THE MATTER OF:

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DEBTOR.

CHAPTER 13

CASE NO. 04-69600-MBM

JUDGE MARCI B. MCIVOR

**ORDER DISMISSING CASE
DUE TO EXPIRATION OF THE CHAPTER 13 PLAN**

This matter having come to be heard upon the Trustee's Motion to Dismiss Due to Plan Expiration filed pursuant to E.D. Mich. LBR 9014-1, notice having been duly given and an opportunity for hearing having been provided based upon the records of the Court herein, the dismissal of the case is warranted for reason that the debtor's Chapter 13 Plan has expired by its terms and the debtor have failed to complete all requirements for a discharge under the plan, and the Court being otherwise sufficiently advised in the premises.

IT IS HEREBY ORDERED that the Chapter 13 Plan has expired without successful completion of all requirements for a discharge and the case is dismissed.

IT IS FURTHER ORDERED that the Clerk of the Court shall immediately provide notice of the entry of this order to all creditors listed in this case, the debtor, debtor's attorney, if any, and the Trustee.

IT IS FURTHER ORDERED that DAVID WM. RUSKIN, Trustee, is discharged as Trustee and the Trustee and his surety are released from any and all liability on account of the within proceedings.

EXHIBIT 1

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN THE MATTER OF:

GLORIA THOMPSON,

DEBTOR.

CHAPTER 13

CASE NO. 04-69600-MBM

JUDGE MARCI B. MCIVOR

**NOTICE OF TRUSTEE'S MOTION TO DISMISS
DUE TO EXPIRATION OF THE CHAPTER 13 PLAN**

The Chapter 13 Trustee has filed papers with the Court to dismiss the debtor's case for expiration of the Chapter 13 plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult with one.)

If you do not want the Court to dismiss the debtor's case, or if you want the Court to consider your views on the Trustee's Motion, within 14 days, you or your attorney must:

1. File with the Court a written response or an answer, explaining your position at:*

United States Bankruptcy Court
211 W. Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the Court for filing, you must mail it early enough so the court will receive it on or before the date stated above. You must also mail a copy to:

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE
ATTN: MOTION DEPARTMENT
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the Motion and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an Order granting that relief.

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE-DETROIT
David Wm. Ruskin, Chapter 13 Standing Trustee

Dated: April 9, 2010

/s/ Thomas D. DeCarlo
DAVID WM. RUSKIN (P26803)
LISA K. MULLEN (P55478)
THOMAS D. DECARLO (P65330)
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251
Telephone (248) 352-7755

EXHIBIT 2

*Response or answer must comply with F.R.CIV.P. 8(b), (c) and (e)

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CASE NO. 04-69600-MBM
JUDGE MARCI B. MCIVOR

**CERTIFICATE OF SERVICE OF TRUSTEE'S MOTION TO DISMISS
DUE TO EXPIRATION OF THE CHAPTER 13 PLAN**

I hereby certify that on April 9, 2010, I electronically filed the Trustee's Motion to Dismiss Due to Expiration of the Chapter 13 Plan, Notice and Opportunity for Hearing and Proposed Order with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

The following parties were served electronically:

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The following parties were served via First Class Mail at the addresses below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

GLORIA THOMPSON
3895 STRATHMORE LANE
CANTON, MI 48188-0000

_____/s/ Allison T. Greenlee_____
Allison T. Greenlee
For the Office of the Chapter 13 Standing Trustee-Detroit
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251
(248) 352-7755

EXHIBIT 4